

1 THE HONORABLE RICHARD A. JONES  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE  
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15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 v.  
18 BERNARD ROSS HANSEN and DIANE  
19 RENEE ERDMANN,  
20 Defendants.  
21  
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23 No. 2:18-cr-00092-RAJ  
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25 **DEFENDANT DIANE ERDMANN'S  
SUPPLEMENTAL SENTENCING  
MEMORANDUM**

### I. INTRODUCTION

Diane Erdmann submits this supplemental memorandum in anticipation of her upcoming sentencing hearing. Ms. Erdmann submits this supplemental memorandum solely to address the impact of Ms. Erdmann's failure to appear at her original sentencing hearing, scheduled for April 29.<sup>1</sup> Ms. Erdmann understands that she made a serious mistake by failing to appear, and understands that her mistake is likely to have an impact on the length of the sentence imposed by the Court.

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<sup>1</sup> Ms. Erdmann incorporates by reference the contents of her sentencing memorandum, filed on April 22, 2022. ECF No. 443.

1 Ms. Erdmann originally asked the Court to impose a sentence of twenty-four months.  
 2 In light of the changed circumstances, Ms. Erdmann now asks the Court to impose a sentence  
 3 of thirty-six months.

## 4 **II. SUPPLEMENTAL FACTUAL BACKGROUND**

5 Ms. Erdmann was scheduled to be sentenced on April 29, 2022. Ms. Erdmann failed to  
 6 appear at that hearing. Ms. Erdmann was subsequently apprehended, along with her co-  
 7 defendant, on May 10, 2022. Ms. Erdmann is now scheduled to be sentenced on June 6, 2022.  
 8 Probation has provided an amended PSR, and Ms. Erdmann expects the government will also  
 9 submit a supplemental sentencing recommendation.

## 10 **III. GUIDELINES CALCULATION AND CRIMINAL HISTORY**

11 Ms. Erdmann agrees the Guidelines calculation in the amended PSR, specifying a final  
 12 offense level of 39 and assigning Ms. Erdmann to criminal history Category I, is accurate. This  
 13 leads to a final advisory guidelines range of 262–327 months.

14 While this is the advisory guideline, Ms. Erdmann agrees with US Probation's  
 15 assessment that a substantial downwards adjustment is appropriate, even given the most recent  
 16 developments.

17 US Probation has recommended a sentence of five years confinement, followed by three  
 18 years of supervised release—a forty percent increase in the recommended period of  
 19 confinement from Probation's original recommendation. For the reasons discussed below, Ms.  
 20 Erdmann respectfully asks for a sentence of thirty-six months, with three years of supervised  
 21 release—a fifty percent increase in the recommended period of confinement from Ms.  
 22 Erdmann's original recommendation.<sup>2</sup>

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 25 <sup>2</sup> Ms. Erdmann also notes that this increase is substantially more than the increase requested  
 by the government, which recommends only an additional six months above its original  
 recommendation.

#### IV. SENTENCING RECOMMENDATION

Ms. Erdmann accepts and understands that her failure to appear at her original sentencing hearing is substantially likely to result in additional time in confinement. At the same time, the nature of Ms. Erdmann's offense, her history, her positive steps following her indictment, her health and age, and other relevant factors relevant to the Court's analysis under 18 U.S.C. § 3553(a), still mean Ms. Erdmann is a strong candidate for a sentence below that recommended by US Probation. In particular, Ms. Erdmann's age and health, as well as the undue influence of Mr. Hansen due to Ms. Erdmann's personal history, all weigh in favor of a limited period of confinement.

Again, rather than repeat the analysis performed by US Probation, or by Ms. Erdmann in her prior sentencing memorandum, Ms. Erdmann incorporates the same by reference here. Ms. Erdmann asks solely that the Court also consider the additional items when determining an appropriate sentence for her role in the scheme, and sufficient additional time to address her failure to appear:

1. Ms. Erdmann's acknowledgement that she made a terrible decision in a momentary lapse in judgment, which was based on her fear of losing the only two relationships in her life—that with co-defendant, and that with her dog, Stewie;

2. Ms. Erdmann's acknowledgement that she needs to take responsibility for her own actions, as reflected in her fifty-percent increase in her recommendation for her period of confinement, which is proportionally a larger increase than that recommended by Probation or by the government; and

3. Probation's recognition that—while Ms. Erdmann needs to take responsibility for her own actions—“[g]iven the patterns present in this case as well as comments made by Mr. Hansen to the arresting agent, it is likely that he made the decision to flee and did the majority of the planning.”

1 Ms. Erdmann further respectfully requests that the Court recommend placement at FCI  
 2 Dublin, in Alameda County, California. Ms. Erdmann believes that even with an upward  
 3 adjustment due to her failure to appear, her designation scoring should remain in the 0-11 range,  
 4 making her eligible for a “minimum” designation. FCI Dublin is the only women's institution  
 5 in the Western Region of BOP. FCI Dublin has both a "low" and a “minimum” security satellite  
 6 camp. While Ms. Erdmann believes she should be eligible for camp placement under a  
 7 “minimum” designation, even if assigned a “low” designation by BOP, placement at FCI  
 8 Dublin would be appropriate.

9 Ms. Erdmann respectfully requests the Court consider imposing a sentence moderately  
 10 less than the sixty months recommended by US Probation, subject to the same post-confinement  
 11 terms, and recommend placement at FCI Dublin.

12 **V. CONCLUSION**

13 For the preceding reasons, Ms. Erdmann asks this Court to impose a sentence of thirty-  
 14 six months, with three years of supervised release, a special assessment of \$1,300, no fine, and  
 15 the special conditions of supervised release as recommended by U.S. Probation, and  
 16 recommend placement at FCI Dublin.

17 DATED: May 31, 2022.

18 CORR CRONIN LLP

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## **CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

DATED: May 31, 2022.

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